

SOAH DOCKET NO. 582-07-2674
TCEQ DOCKET NO. 2007-0362-IHW

APPLICATION OF TEXCOM GULF DISPOSAL, L.L.C. FOR TEXAS COMMISSION ON ENVIRONMENTAL QUALITY INDUSTRIAL SOLID WASTE PERMIT NO. 87758	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
---	-----------------------	--

**APPLICANT TEXCOM GULF DISPOSAL, LLC'S
REPLY TO EXCEPTIONS TO THE SUPPLEMENTAL PROPOSAL FOR DECISION**

Pursuant to 30 Tex. Admin. Code § 80.257(a), TexCom Gulf Disposal, LLC (“*TexCom*” or “*Applicant*”) presents this, its Reply to Exceptions to the Supplemental Proposal for Decision (“*Supplemental PFD*”) filed by Protestant Lone Star Groundwater Conservation District (“*Lone Star*”).¹ Lone Star’s only exception to the Supplemental PFD is that there are insufficient regulations to permit a surface facility as TexCom proposes.² The Texas Commission on Environmental Quality has already addressed this issue and determined that the regulations applicable to TexCom’s application for Industrial Solid Waste Permit No. 87758 are those set forth in 30 Tex. Admin. Code Chapters 305, 331, and 335.³

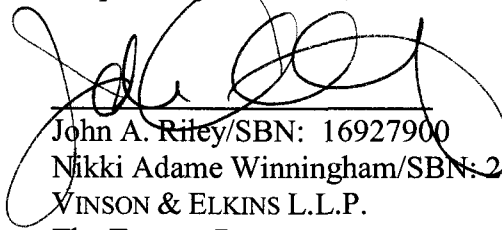
Based on the Supplemental PFD and exceptions filed, there is no dispute that TexCom has demonstrated by a preponderance of the evidence that its surface facility application complies with all applicable statutes and rules. Accordingly, Industrial Solid Waste Permit No. 87758 should be granted.

¹ The only other parties to file exceptions, the Aligned Protestants Montgomery County and the City of Conroe and the Executive Director, do not actually except to the Supplemental PFD and, accordingly, TexCom has no reply.

² See Lone Star’s Exceptions to Proposal for Decision.

³ See *Interim Order Concerning The Administrative Law Judges’ Proposal For Decision And Order Concerning TexCom Gulf Disposal L.L.C.’S Application For Nonhazardous Industrial Solid Waste Permit No. 87758*; TCEQ Docket No. 2007-0362-IHW; SOAH Docket No. 582-07-2674 at 1-2 (Dec. 12, 2008).

Respectfully submitted,



John A. Riley/SBN: 16927900

Nikki Adame Winningham/SBN: 24045370

VINSON & ELKINS L.L.P.

The Terrace 7

2801 Via Fortuna, Suite 100

Austin, Texas 78746

Telephone: (512) 542-8520

Facsimile: (512) 236-3329

COUNSEL FOR APPLICANT,
TEXCOM GULF DISPOSAL, LLC

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served on the following via electronic mail, facsimile, and/or overnight or first class mail on this the 8th day of December 2010:

Scott Humphrey
Texas Commission on Environmental Quality
P. O. Box 13087 MC-103
Austin, Texas 78711
PH: 512.239.6823
FAX: 512.239.6377
shumphre@tceq.state.tx.us

*Representing the Texas Commission on
Environmental Quality Office of Public
Interest Counsel*

John Williams
J. Diane Goss
Texas Commission on Environmental Quality
P. O. Box 13087 MC-173
Austin, Texas 78711
PH: 512.239.0455 (J. Williams)
PH: 512.239.5731 (D. Goss)
FAX: 512.239.0606
JOHWILLI@tceq.state.tx.us
DGoss@tceq.state.tx.us

*Representing the Executive Director of the
Texas Commission on Environmental Quality*

Kevin A. Forsberg
The Forsberg Law Firm, P.C.
15949 Highway 105 W. Suite 59
Montgomery, Texas 77316
PH: 936.588.6226
FAX: 936.588.6229
Kevin@forsberglaw.net

*Representing the Aligned Individual
Protestants*

Richard Ward
16015 Creighton
Conroe, Texas 77302
FAX: 936.756.8102
Mike.ward@nov.com

*Representing the Aligned Individual
Protestants*

Michael A. Gershon
Brian L. Sledge
Jason Hill
Lloyd Gosselink Blevins Rochelle &
Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
PH: 512.322.5800
FAX: 512.472.0532
mgershon@lglawfirm.com
bsledge@lglawfirm.com
jhill@lglawfirm.com

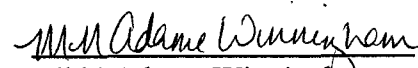
*Representing Lone Star Groundwater
Conservation District*

Mary Mendoza
Adam Sencenbaugh
Haynes and Boone, LLP
600 Congress Avenue
Suite 1300
Austin, Texas 78701
PH: 512.867.8418 (M. Mendoza)
PH: 512.867.8489 (A. Sencenbaugh)
FAX: 512.867.8690 (M. Mendoza)
FAX: 512.867.8606 (A. Sencenbaugh)
Mary.Mendoza@haynesboone.com
adam.sencenbaugh@haynesboone.com

Representing Denbury Onshore, LLC

David K. Walker
Montgomery County Attorney
Julie B. Stewart
Sara M. Forlano
Assistant Montgomery County Attorney
Phyllis Rainey
207 W. Phillips
Conroe, Texas 77301
PH: 936.539.7828
FAX: 936.760.6920
dwalker@co.montgomery.tx.us
jstewart@co.montgomery.tx.us
sforlano@co.montgomery.tx.us
prainey@co.montgomery.tx.us
*Representing the City of Conroe and
Montgomery County*

LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
12100 Park 35 Circle, Bldg F
Austin, Texas 78753
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512.239.3300
Facsimile: 512.239.3311


Nikki Adame Winningham